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Atty. Dkt. No. SALK1520-3 (088802-8761)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Evans et al.

Title: METHODS FOR MODULATING  
EXPRESSION OF EXOGENOUS  
GENES IN MAMMALIAN  
SYSTEMS, AND PRODUCTS  
RELATED THERETO

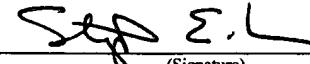
Appl. No.: 10/828,831

Filing Date: 04/20/2004

Examiner: Unknown

Art Unit: 1632

Mail Stop Amendment-IDS  
Commissioner for Patents  
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Alexandria, VA 22313 1450

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<u>Stephen E. Reiter, Reg. No. 31,192</u> (Printed Name)	
 (Signature)	
<u>November 12, 2004</u> (Date of Deposit)	

The PTO did not receive the following  
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**IDS TRANSMITTAL**

Sir:

Transmitted herewith for the above-identified application please find:

- (1) Information Disclosure Statement
- (2) Completed Form PTO-1449 and PTO-892
- (3) Return Receipt Postcard

In re Application of:  
Evans et al.  
Application No.: 10/828,831  
Page 2

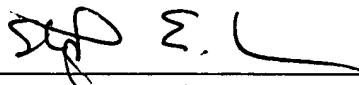
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Respectfully submitted,

Date: November 12, 2004

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By   
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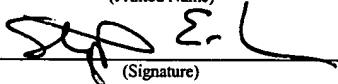
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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

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P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to OG Notice dated August 5, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

In re application of  
Evans et al.  
Application No.: 10/828,831  
Page 2 of 3

Atty. Dkt. No. SALK1520-3 (088802-8761)

Applicants submit herewith on Form PTO-1449 and PTO-892 a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial No. 09/042,488, filed 03/16/1998. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

#### **RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of all forms be returned in accordance with MPEP §609.

In re application of  
Evans et al.  
Application No.: 10/828,831  
Page 3 of 3

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Respectfully submitted,

Date 11/12/04

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## Notice of References Cited

Application/Control No.

09/042,488

Applicant(s)/Patent Under

Reexamination

EVANS ET AL.

Examiner

Sumesh Kaushal

Art Unit

1633

Page 1 of 3

### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
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	N					
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	W	Friedmann, Principles for human gene therapy studies, 2000, SCIENCE, Vol. 287, pp. 2163-2164
	X	Anderson, Human gene therapy, 1998, NATURE, Vol. 392, pp. 25-30

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
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		09/042,488	Examiner	Art Unit 1633
		Sumesh Kaushal		Page 2 of 3

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	X	Ghbeish et al., The dual role of ultraspirelase, the Drosophila retinoid X receptor, in the ecdysone response, 2001, PNAS, Vol. 98, pp. 3867-3872

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Examiner Sumesh Kaushal		Art Unit 1633	Page 3 of 3	

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Application No. 09/042,488	Applicant(s) Evans et al
Examiner Sumesh Kaushal	Group Art Unit 1633

Page 1 of 2

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	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,198,225	3/30/93	Meybeck et al	424	450
B					
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V	Verma et al Nature 389:239-242, 1997	1997
W	Kay et al, PNAS 94:12744-12748, 1997	1997
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			Examiner <b>Sumesh Kaushal</b>	Group Art Unit <b>1633</b>	<b>Page 2 of 2</b>	
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FORM PTO 1449 US Department of Commerce Patent and Trademark Office		ATTY DOCKET NO.: SALK 1520-2	SERIAL NO.: 09/042,488
		APPLICANT(S): Evans et al.	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING DATE: Mar. 16, 1998	GROUP ART UNIT: 1643

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	WO 90/06997	June 28, 1990	PCT	C12N 15	00	NO
	WO 92/05266	Apr. 2, 1992	PCT	C12N 15	86	NO
	WO 92/07573	May 12, 1992	PCT	A61K 35	12	NO
	WO 92/14829	Sep. 3, 1992	PCT	C12N 15	87	NO
	WO 95/07021	Mar. 16, 1995	PCT	A01N 37	28	NO
	WO 95/07615	Mar. 23, 1995	PCT	A01N 43	54	NO

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